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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/553,527

10/17/2005

Helmut Burklin

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EXAMINER

RUTKOWSKI, JEFFREY M

ART UNIT

PAPER NUMBER

2473

MAIL DATE

DELIVERY MODE

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/553,527	Applicant(s) BURKLIN ET AL.	
	Examiner JEFFREY M. RUTKOWSKI	Art Unit 2473	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 March 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 July 2009 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim 2 has been cancelled.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

3. **Claims 1 and 8-10** are rejected under 35 U.S.C. 103(a) as being unpatentable over Straub et al. (WO 02/33902), hereinafter referred to as Straub, in view of Zou (US Pat 6,160,796) and Goodwin et al. (US Pat 7,505,455), hereinafter referred to as Goodwin.

4. For **claim 1**, Straub discloses a wireless connection **3** of figure 1 and HiperLAN2 of figure 2 (a network interconnecting bridge heads, said network being referred to as a transparent bridge) that are used to interconnect WBox1 **4** and WBox2 **5** [**figures 1 and 2**]. Straub disclose a situation where bus resets (reset messages) are passed between the busses [**page 4 line 30 to page 5 line29**]. When several bus resets are received, by a bridge, in short intervals (series of

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reset messages) only the last reset message received before the grant of a transmission slot is selected for transmission to the other bus.

5. Straub does not disclose only transmitting a reset message when an alternation in the change of a number of nodes occurs. Zou discloses bus reset messages are sent when a device is inserted (up direction) or removed (down direction) **[col. 12 lines 1-17]**. In Zou's invention, the series of reset messages could include messages that reflect the addition of a new device and the removal of a different device from the bus **[col. 2 lines 15-20]**. In the situation where an alternation in the direction of change is reflected by a singular addition and removal (single device added and single device removed), it would have been obvious to a person of ordinary skill in the art to only transmit bus resets that caused an alternation in the change of direction in Straub's invention to conform to the IEEE 1394 standard **[Zou, col. 2 lines 12-21]**.

6. Straub discloses the IEEE 1394 standard supports isochronous transmissions (see page 15 lines 5-10). Straub does not disclose transmitting upon (i.e. on the occasion of) the expiration of a timeout. Goodwin suggests *in addition to transmission, upon expiration of a time out (tolerable_latency), of a received reset message, said timeout (tolerable_latency) being started upon reception of said received reset message* (the tolerable_latency starts when a tunneling packet is received; see col. 30 lines 37-42. The tunneling packets include packets that encapsulate the entire bus reconfiguration process; see col. 28 lines 49-54. Goodwin suggests transmitting packets on the occasion of the expiration of the tolerable_latency interval because to wait any longer would violate network latency requirements by queuing the tunneled packets for too long; see col. 30 lines 37-45). It would have been obvious to a person of ordinary skill in the art at the time of the invention to use Goodwin's arrangement in Straub's invention to conserve

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network resources by reducing the number of transactions that occur on the network (Goodwin, col. 28 lines 40-55).

7. For **claims 8 and 10**, Straub discloses the use of IEEE 1394 buses [**figures 1 and 2**].

8. For **claim 9**, Straub discloses a bridge WBox1 that has an interface connected to a bus and an interface connected to a HiperLAN network [**figures 1 and 2**]. Additionally, WBox1 contains a means for selective transmission of reset messages [**page 5 lines 1-5**].

9. Straub does not disclose only transmitting a reset message when an alternation in the change of a number of nodes occurs. Zou discloses bus reset messages are sent when a device is inserted (up direction) or removed (down direction) [**col. 12 lines 1-17**]. In Zou's invention, the series of reset messages could include messages that reflect the addition of a new device and the removal of a different device from the bus [**col. 2 lines 15-20**]. In the situation where an alternation in the direction of change is reflected by a singular addition and removal (single device added and single device removed), it would have been obvious to a person of ordinary skill in the art to only transmit bus resets that caused an alternation in the change of direction in Straub's invention to conform to the IEEE 1394 standard [**Zou, col. 2 lines 12-21**].

10. Straub discloses the IEEE 1394 standard supports isochronous transmissions (see page 15 lines 5-10). Straub does not disclose transmitting upon (i.e. on the occasion of) the expiration of a timeout. Goodwin suggests *in addition to transmission, upon expiration of a time out (tolerable_latency), of a received reset message, said timeout (tolerable_latency) being started upon reception of said received reset message* (the tolerable_latency starts when a tunneling packet is received; see col. 30 lines 37-42. The tunneling packets include packets that encapsulate the entire bus reconfiguration process; see col. 28 lines 49-54. Goodwin suggests

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transmitting packets on the occasion of the expiration of the tolerable_latency interval because to wait any longer would violate network latency requirements by queuing the tunneled packets for too long; see col. 30 lines 37-45). It would have been obvious to a person of ordinary skill in the art at the time of the invention to use Goodwin's arrangement in Straub's invention to conserve network resources by reducing the number of transactions that occur on the network (Goodwin, col. 28 lines 40-55).

11. **Claims 4 and 6** rejected under 35 U.S.C. 103(a) as being unpatentable over Straub in view of Zou and Goodwin as applied to **claim 1** above, and further in view of Hattig (US Pat 6,466,549).

12. For **claim 4**, Straub discloses the use of bus resets in a network. However, Straub does not disclose the cause of a bus reset. Hattig discloses when devices are added and removed a bus automatically reconfigures itself (a given method for phase recognition) [**col. 1 lines 25-28**]. It would have been obvious to a person of ordinary skill in the art to automatically reconfigure a bus in Straub's invention to provide plug-and-play capabilities [**Hattig, col. 1 line 23**].

13. For **claim 6**, Straub does not disclose the simulating the disconnecting of an entire bus. Hattig discloses a solicit action, which is essentially the same as a reset message, may be invoked at the request of an application in need of new or refreshed discovery information [**col. 5 lines 7-21**]. Because the network devices are not actually disconnected when a new solicit action (bus reset) is performed Hattig suggests the simulating the disconnection of an entire bus. It would have been obvious to a person of ordinary skill in the art at the time of the invention to use Hattig's solicit action mechanism in Straub's invention to make sure topology information in a network does not become stale.

Response to Arguments

14. Applicant's arguments with respect to **claims 1 and 3-10** have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JEFFREY M. RUTKOWSKI whose telephone number is (571)270-1215. The examiner can normally be reached on Monday - Friday 7:30-5:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kwang Yao can be reached on (571) 272-3182. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jeffrey M Rutkowski/
Examiner, Art Unit 2473

/KWANG B. YAO/
Supervisory Patent Examiner, Art Unit 2473